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| 09/943,921      | 08/31/2001  | Juergen Reinold      | IA00010             | 2208             |

22863 7590 10/22/2003

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PHOENIX, AZ 85018

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| EXAMINER |
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PATEL, AJIT

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| ART UNIT | PAPER NUMBER |
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2664

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DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/943,921

Applicant(s)

REINOLD ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on pre. amendment dated 6/6/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claim 10 recites the limitation "the edge portion" in 2. There is insufficient antecedent basis for this limitation in the claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al in view of Razavi et al.

Regarding claim 1, 12, Civanlar et al disclose a communication system comprising a first device 90 of fig. 3) and a second device (95 of fig. 3), an active network (CORE AND EDGE of fig. 3) communicatively coupling the first device and the second device, the active network comprising a core portion (CORE of fig.3) and a peripheral portion (EDGE of fig. 3), the peripheral portion being coupled to the core portion, and the first device and the second device being coupled to the peripheral portion (fig. 3). The communication system of Civanlar et al is not implemented in vehicle. Razavi et al disclose a vehicle communication system (see 60 of fig. 4; fig. 2). Therefore, it would have been obvious to one skilled in the art to use the communication system of Civanlar et al in a vehicle as taught by Razavi et al depending on the design choice.

Regarding claim 2, Civanlar et al disclose the limitation "the active network comprises a packet data network" (lines 1-8 of page 5).

Regarding claims 3, 12, Civanlar et al disclose the limitation "the active network comprises a plurality of active network elements (IPRR, IPRS of fig. 3) coupled by connection media, wherein the core portion comprises a core active network element (IPRS of fig. 3) and the peripheral portion comprises a peripheral active network element (IPRR of fig. 3)".

Regarding claims 4, 12, Civanlar et al disclose the limitation "the active network comprises a plurality of active network elements (IPRR, IPRS of fig. 3) coupled by connection media, wherein the core portion (CORE of fig. 3) comprises a first active network element of the plurality of active elements (IPRS 120-123 of fig. 3) and a second active network element of the plurality of active network elements (120-123 of fig. 3) ".

Regarding claim 5, Civanlar et al disclose the limitation "the connection media coupling the first active network element and the second active network element comprises a plurality of communication paths between the first and second active network elements (it is noted that the plurality of IPRS (120-123) of fig. 3 are connected by a plurality paths)

Regarding claim 6, Civanlar et al disclose the limitation "at least one of the active network elements comprises a switch" (line 57, page 5).

Regarding claims 7 and 8, Civanlar et al disclose the limitation "at least one of the active network elements a router or bridge" (lines 1-8, page 5).

Regarding claim 9, Civanlar et al disclose the limitation “the peripheral portion comprises a first active elements of the plurality of active elements and a second active element of the plurality of active elements” (IPRR).

Regarding claims 10, 15 Civanlar disclose the limitation “the core portion has a first data rate capability and the peripheral portion has a second data rate capability different than the first data rate capability” (It is noted that the communication system of Civanlar comprising a CORE portion and the EDGE portion, the CORE portion is called the backbone which always has higher data rate than the EDGE portion, see fig. 3).

Regarding claims 11, 16 Civanlar disclose the limitation “the core portion comprises a communication network backbone structure” (line 58 of page 5 indicates ATM switches which is a backbone network).

Regarding claims 13, and 14, Civanlar disclose the limitation “the active network is operable to establish a plurality of communication paths between a first device and a second device of the plurality of the devices for communicating data between the first and second devices, wherein the plurality of communication paths comprises exclusively the peripheral portion” (the fig. 3 clearly shows that the devices 90 and 95 are connected via plurality of paths).


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 703-308-5347. The examiner can normally be reached on MONDAY-THURSDAY.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AP  
October 18, 2003

  
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